



Water Quality NewsFlash

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SIP Exceptions – Vacaville and other examples – As discussed in last week's *NewsFlash*, the State Implementation Policy (SIP) allows exceptions, in some cases, from water quality objectives for toxic pollutants and from other SIP provisions. The SIP was adopted in mid-2000. Currently only two exceptions have been approved. One is a general permit for aquatic pesticides under a categorical exception. The other is a general permit for utility vaults and underground structures and is a case-by-case exception. Both are currently in use.

A third case-by-case exception is currently being written for the City of Vacaville for trihalomethanes (THMs: chlorination by-products) in the discharge from its sewage treatment plant. This exception has been written, but has not gone through the approval process yet. It will need approval by the Regional Board, State Board, and EPA (including a notice in the Federal Register). EPA requires that exceptions be short-term and non-permanent.

The Vacaville case is symptomatic of problems faced by many inland dischargers. The discharge goes to Old Alamo Creek, an effluent-dominated water body (EDW). Most of the creek's flow is ag runoff or effluent from the treatment plant. With no effective dilution, WQ objectives are applied "end-of-pipe." The Regional Board assigned the Basin Plan's beneficial uses of COLD (cold water fishery) and MUN (potential source of drinking water) to the creek. Since these uses "do not exist for Old Alamo Creek and probably cannot be feasibly attained in the future," the State Board directed the Regional Board to amend the Basin Plan to "dedesignate" these uses.

The Regional Board will need to prepare a Use Attainability Analysis (UAA) to support this change in beneficial uses. UAAs are major undertakings and have rarely been successful in removing or reducing beneficial uses. Removing the MUN designation means that the drinking water standards will not apply and also a less stringent set of trihalomethane criteria in the California Toxics Rule (CTR) will be applicable. Even if these various initiatives are successful, Vacaville will still face significant compliance problems. Consequently Vacaville and the California Association of Sanitation Agencies (CASA) are suing in Superior Court. Increasingly permits for sewage treatment plants are ending up in court because of the perceived difficulty in meeting new limitations. Similar concerns face stormwater dischargers who must design their control programs to comply with WQ standards. SWRCB Vacaville decision:

<http://www.swrcb.ca.gov/resdec/wqorders/2002/wqo/wqo2002-0015.doc>

Upcoming events -

- *21st Annual Executive Briefing* - Water Education Foundation; Mar. 11-12; Sacto; includes CASQA panel on *Urban SW Discharge Requirements*; <http://www.watereducation.org/briefings.asp>
- *Annual Conference* – California Water Environment Assoc.; April 27-30, Fresno Convention Center; http://www.cwea.org/pdf/conferences/2004/annual_conference/screen_complete.pdf

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at <http://www.dot.ca.gov/hq/env/stormwater/index.htm> Click: *Storm Water Bulletins*